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Counsel for Defendants

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WAYNE BERRY,

Plaintiff,

vs.

DEUTSCHE BANK TRUST  
COMPANY AMERICAS (FKA  
BANKERS TRUST COMPANY) AND  
JP MORGAN CHASE BANK IN THEIR  
SEPARATE CAPACITIES AND AS  
AGENTS FOR THE PRE AND POST-  
PETITION LENDERS OF FLEMING  
COMPANIES, INC.; DOES 1 TO 200,

Defendants.

) Case No. CV 07-00172 SOM LEK  
)  
)  
) Judge Susan Oki Mollway  
)  
)

) **CERTIFICATE OF COMPLIANCE**  
) **TO LOCAL RULE 7.5 REGARDING**  
) **DEFENDANTS' RESPONSE TO**  
) **BERRY'S CONCISE STATEMENT**  
) **OF FACTS FILED IN SUPPORT OF**  
) **BERRY'S COUNTERMOTION FOR**  
) **PARTIAL SUMMARY JUDGMENT**  
)

) Date: July 23, 2007  
) Time: 11:15 a.m.  
) Place: Room C-409  
)  
)

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CERTIFICATE OF COMPLIANCE TO LOCAL RULE 7.5 REGARDING  
DEFENDANTS' RESPONSE TO BERRY'S CONCISE STATEMENT OF  
FACTS FILED IN SUPPORT OF BERRY'S COUNTERMOTION FOR  
PARTIAL SUMMARY JUDGMENT

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I certify that pursuant to Local Rule 7.5, the attached Defendants' Response To Berry's Concise Statement Of Facts Filed In Support Of Berry's Countermotion For Partial Summary Judgment is proportionately spaced and has a typeface of 14 points. I further certify that the word count in the attached Response, excluding the case caption, table of contents, table of authorities, signature page, exhibits, declarations, certificates of counsel, and certificates of service, is 1,291 and was counted using Microsoft Word Count.

DATED: Honolulu, Hawai'i,  
July 12, 2007

LYLE S. HOSODA & ASSOCIATES,  
LLC

By: /s/ Lyle S. Hosoda

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